

REMARKS**The Examiner's 35 USC § 103 Rejection of the Claims**

The Examiner has rejected claims 1-14 as being unpatentable over Dobrin et al (5,628,737) in view of Good et al. (5,843,056).

The Examiner states: Dobrin discloses all aspects of the claimed invention with the exception of a particulate filler imbedded in the polymeric film layer and cracks formed around the particulate film layer....The article further comprises a laminate, as shown in figure 3, which extends into both the core region and the chassis region to form a core backsheet and a chassis backsheet. The laminate comprises a polymeric film layer, as described in column 6, lines 42-43, and a fibrous layer, as described in column 9, lines 51-52. The laminate is a breathable unitary layer. The laminate comprises apertures in the chassis region giving the chassis region a higher degree of breathability than the core region.”

However, Dobrin discloses apertured side panels and this aperturing results in increased permeability of the panels. As Dobrin's backsheet does not comprise particulate filler material, the structures of the instant application are not taught.

Good discloses an absorbent article including a substantially liquid impermeable vapor permeable composite backsheet, a liquid-permeable topsheet positioned in facing relation with the backsheet and an absorbent body located between the backsheet and topsheet. The composite backsheet includes a polymeric film of relatively low basis weight and a non-woven facing layer, which enhances the strength of the composite backsheet and provides a clothlike feel to the composite backsheet.

Good states that it is the use of the non-woven facing layer, which imparts strength to the cited article. This reliance on the non-woven facing layer to provide strength and cohesiveness, (see column 8, second paragraph) allows the use of lower basis weight polymeric film, which is cheaper. It is this reliance on the non-woven which allows a cited embodiment which includes a film layer smaller than the non-woven layer, i.e., the nonwoven layer covers the entire backsheet while the film does not extend into all areas of the chassis region). The instant article, on the other hand, has a polymeric layer, which forms the structural basis of the backsheet, and it is the non-woven, which covers only the core region.

Therefore, if one of skill in the art were to be given Dobrin and Good and instructed to produce products of their combined teachings, many products would be possible, but none would be that of Applicants. In fact, by requiring a low basis weight film, Good teaches away from the instant article.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the applied references and reference combinations do not render obvious amended claims 1-14. Accordingly, favorable reconsideration of claims 1-14 is earnestly solicited in the form of a Notice of Allowance. Should any issues impeding continuing examination of this Application remain, the Examiner is encouraged to contact the undersigned by telephone at the earliest possible date to achieve a timely resolution.

Respectfully submitted

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Twice Amended) Absorbent article comprising
an absorbent core defining a core region comprising a core backsheet material ;
a chassis region surrounding said core region comprising a chassis backsheet material;
whereby at least the core backsheet material comprises a laminate;
said laminate comprising at least one polymeric layer comprising a vapour or gas
permeable film material, and further comprising a fibrous layer positioned towards the
outer side of the article during its intended use,
characterized in that said at least one polymeric layer is a unitary layer extending both
into the core backsheet material and the chassis backsheet material,
and whereby the core backsheet material and the chassis backsheet material which
comprises said unitary layer exhibit different degrees of breathability such that MVTR
value of the core backsheet material is lower than of the chassis backsheet material,
wherein said polymeric layer has a basis weight of greater than about
25 g/m² and comprises a polymeric matrix and particulate filler material embedded in
said polymeric matrix and wherein said breathability is provided by cracks formed
around said particulate filler material.